

THIS ORDINANCE BECOMES

EFFECTIVE ON: NOV 14 2002

ADOPTED BY THE
MAYOR AND COUNCIL

OCT 14 2002

ORDINANCE NO. 9780

RELATING TO PLANNING AND ZONING AND DEVELOPMENT COMPLIANCE
REVIEWS; AMENDING PORTIONS OF THE TUCSON CODE,
CHAPTER 23, LAND USE CODE; ARTICLE II, ZONES, DIVISION 4,
OFFICE ZONE, DIVISION 6, MIXED USE ZONES, DIVISION 8,
OVERLAY ZONES, ADDING A NEW SECTION 2.8.10, RIO NUEVO AND
DOWNTOWN (RND) ZONE; ARTICLE III, DEVELOPMENT
REGULATIONS, DIVISION 2, DEVELOPMENT CRITERIA, DIVISION 3,
MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS;
ARTICLE V, ADMINISTRATION, DIVISION 1, POWERS AND DUTIES;
ARTICLE VI, DEFINITIONS, DIVISION 2, LISTING OF WORDS AND
TERMS; AMENDING THE TUCSON CODE, CHAPTER 23A,
DEVELOPMENT COMPLIANCE REVIEWS, ARTICLE II, REVIEW
PROCEDURES, DIVISION 2, SPECIAL ZONING REVIEW
PROCEDURES, BY ADDING A NEW SECTION 23A-50, RIO NUEVO
AND DOWNTOWN (RND) ZONE, AND ADDING A NEW SECTION 23A-
63, APPEAL PROCEDURE III; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23, Land Use Code, Article II,
Division 4, Section 2.4.3.2 D is hereby amended to read as follows:

2.4.3 "O-3" OFFICE ZONE.

* * *

2.4.3.2 Permitted Land Uses. * * *.

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D. Residential Use Group, Sec. 6.3.8

1. Family Dwelling "L"
2. Family Dwelling "RCP-8", subject to: Sec. 3.6.1
3. Family Dwelling within the Rio Nuevo and Downtown Zone "J"

4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.1 and .D
5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "30", subject to: Sec. 3.5.7.8.C.4, .D, and .H
6. Residential Care Services: Rehabilitation Service - children's facilities "30", subject to: Sec. 3.5.7.8.A, .C.1, and .D
7. Residential Care Services: Shelter Care - victims of domestic violence "30", subject to: Sec. 3.5.7.8.A, .C.3, and .D
8. Residential Care Services: Rehabilitation Service or Shelter Care "30", subject to: Sec. 3.5.7.8.A, .C.4, .D, .F, and .H

* * *

SECTION 2: The Tucson Code, Chapter 23, Land Use Code, Article II,

Division 6, Section 2.6.3.5 is hereby amended to read as follows:

2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE.

* * *

2.6.3.5 Initiation of a PAD District. A PAD District is initiated by filing an application for a Type IV Legislative Procedure, Sec. 5.4.2.4, with the Planning Department. The application may be filed by the owners of the subject property, an agent for the property owners, or the Mayor and Council. The application will be accepted for processing only if the following requirements are met.

- A. The site is under single ownership or control.
- B. The site's land area is a minimum of forty (40) acres, or if located in the Downtown Redevelopment District as defined in Sec. 6.2.4 or in the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, there is no minimum site area. The Mayor and Council may authorize the initiation of a PAD District of less than the size required by this Section if the proposed PAD District is consistent with the intent of the PAD zone.
- C. The PAD District shall be contiguous and in such configuration as to accommodate a well-integrated project.

* * *

SECTION 3. The Tucson Code, Chapter 23, Land Use Code, Article II, Division 8, is hereby amended by adding a new Section 2.8.10 to read as follows:

2.8.10 RIO NUEVO AND DOWNTOWN (RND) ZONE.

2.8.10.1 Purpose. The purpose of this overlay zone is to implement the policies of the City's *General Plan*, with special emphasis on ensuring the cultural, economic, and general welfare of the community. The Rio Nuevo and Downtown (RND) Zone promotes harmonious development within the zone; creates and enhances the Downtown pedestrian environment; and celebrates Tucson's rich historic, cultural, and artistic heritage. The design principles, categories, and criteria referenced in this Section are intended to promote public-private partnerships to support quality development within the Rio Nuevo District, as well as enliven and revitalize the Downtown. Development within the RND Zone shall satisfy the design principles set forth in this Section.

Diversity, Design in Context, and Accessibility are the design principles that form the basis for the specific design criteria to be applied to new projects in the Rio Nuevo and Downtown areas.

Diversity is the incorporation of all of the prehistoric, historic, and cultural elements that make up Tucson's urban form and context. This principle forms the basis for the specific design criteria, including building character and materials, which reflect the indigenous influence of the Sonoran Desert region and culture. The intent of this design principle is not to prescribe architectural style, materials, or form but to encourage innovation in contemporary design.

Design in Context is the recognition that Tucson is a unique desert southwestern city. New buildings should also translate into contemporary form the basic principles that contribute to historic structures and other structures in and around the Site Context - Development Zone, as well as addressing the Regional and Community Context.

Accessibility includes three dimensions. The first is physical mobility for pedestrians, including physically disabled pedestrians, bicycles, transit, and private cars, provided by an efficient and pleasant circulation system. The second is visual, retaining physical amenities such as viewsheds, open space, and visual connections to the mountains and the Santa Cruz River. The third is informational and educational, including access to information and ideas.

2.8.10.2 Applicability. The Rio Nuevo and Downtown (RND) Zone is an overlay zone as defined in Sec. 6.2.18. The provisions of the RND zone apply to the

following uses on all property, including public or private rights-of-way, any portion of which is located within the RND zone. No permit shall be issued by the City except in accordance with the requirements of this Section.

- A. All new structures, including expansions to existing structures. The remainder of a structure that has been expanded is governed by provisions in force at the time of initial approval for the structure.
- B. All improvements or alterations to the exterior of existing structures, if such improvements or alterations are visible from an adjacent public right-of-way.
- C. All sidewalk and street improvements.

2.8.10.3 Permitted Uses. The land uses permitted within this zone are those uses permitted by the underlying zoning, except as restricted in Sec. 2.8.10.6.

2.8.10.4 Design Review. Applications for projects within the Rio Nuevo and Downtown (RND) Zone shall be reviewed in accordance with Chapter 23A, of the Tucson Code, Sec. 23A-50. The application must include a Design Context and Compatibility Report (DCCR). (See Development Standard 9-05.2.0 for content requirements for the report.)

2.8.10.5 Design Criteria. Development within the Rio Nuevo and Downtown (RND) Zone shall meet the design principles set forth in Sec. 2.8.10.1 by complying with the following Design Criteria (see Development Standards 9-05.0, 2-02.0, 2-03.0, and 2-05.0).

- A. The proposed buildings should respect the scale of those buildings located in the development zone and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.
- B. All new construction shall maintain the prevailing setback existing within its development zone.
- C. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.
- D. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of fifty (50) percent of the building frontage providing such features.

- E. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.
- F. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.
- G. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.
- H. Modifications to the exterior of historic buildings shall complement the overall historic context of the Downtown and respect the architectural integrity of the historic façade.
- I. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.
- J. Safe and adequate vehicular parking areas designed to minimize conflicts with pedestrians and bicycles shall be provided.
- K. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

2.8.10.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

- A. New drive-in or drive-through facilities are not permitted, except for freeway-oriented businesses, or as approved through the development review process.
- B. For structures on or eligible for designation on the National Register, uses shall be accommodated without altering the historic character-defining features of the structure. (See Development Standard 9-03.0 for a list of all such structures within the Rio Nuevo and Downtown [RND] zone.)

* * *

SECTION 4. The Tucson Code, Chapter 23, Land Use Code, Article III,

Division 2, Section 3.2.3.1 is here by amended to read as follows:

3.2.3 PRINCIPAL STRUCTURE.

* * *

3.2.3.1 Residential Development Designator.

* * *

- C. *Medium-Density Matrix.* Development criteria in this matrix provide for single parcel, single-family, attached or detached dwellings and establish lower density ranges for multiple-family structures.

Development Designator	Site Area ¹	Lot Coverage ²	Density ³	Building Height ⁴	Perimeter Yard ⁵
J	2,500	90%	17	40'	DD
K	5,000	75%	15	25'	BB
L	5,000	75%	22	25'	BB
M	7,000	70%	8	16'	BB
N	5,000	70%	8	25'	BB

¹Minimum site area listed in square feet.

²Maximum. For calculation, refer to Sec. 3.2.9.

³For calculation, refer to Sec. 3.2.10.

⁴Maximum. For measurement and exceptions, refer to Sec. 3.2.7.

⁵For applicability, refer to Sec. 3.2.6.

* * *

SECTION 5. The Tucson Code, Chapter 23, Land Use Code, Article III,

Division 3, Section 3.3.6.1 is hereby amended to read as follows:

3.3.6 **EXCEPTIONS.**

- 3.3.6.1 Downtown Redevelopment District. Within the Downtown Redevelopment District, the following off-street motor vehicle and bicycle parking regulations apply.

* * *

- C. *Residential.* Required off-street motor vehicle parking for residential uses in the Downtown Redevelopment District is one (1) space for each dwelling, one (1) space for each apartment where rent/lease of space is not by the bedroom, or (1) space for each bedroom in projects where rent/lease of space is by the bedroom.
- D. *Bicycle Parking.* Required bicycle parking shall be provided as set forth in Sec. 3.3.6.2.

E. *New Land Use in an Existing Building.* No additional motor vehicle or bicycle parking spaces are required for a new land use which does not expand the existing structure.

F. *Expansions of Existing Development.*

* * *

G. *Public Area Amenity Incentive.* Required off-street motor vehicle parking spaces for a use may be reduced by a percentage equal to twice the ratio of open space to GFA up to a maximum of eight (8) percent, if an interior public open space is provided. The interior public open space may be a roofed atrium, courtyard, plaza, galleria, or similar area. To qualify for a public area amenity reduction in required parking, all of the following criteria must be met.

* * *

H. *In-Lieu Fee.* The off-street parking requirements established by this Section (Sec. 3.3.6.1) may be satisfied in whole or in part by paying the City parking in-lieu fee in an amount established by separate ordinance to be used by the City for the construction of one (1) or more Downtown public parking facilities.

I. *New Parking Facilities.* All new parking facilities shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of design elements such as pedestrian arcades, occupied space, or display space.

* * *

SECTION 6. The Tucson Code, Chapter 23, Land Use Code, Article V,

Division 1, Section 5.1.8.3 is hereby amended to read as follows:

5.1.8 DEVELOPMENT REVIEW BOARD (DRB). The Development Review Board (DRB) is established to review proposed buildings, structures, landscaping, architectural features, development plans, and site plans as set forth in the LUC.

* * *

5.1.8.3 Powers and Duties. The DRB performs the following duties.

* * *

- R. *Rio Nuevo and Downtown (RND) Zone, Development Review.* The DRB reviews, for recommendation, all proposed development in the Rio Nuevo and Downtown (RND) Zone, as provided in Sec. 2.8.10.4 and in accordance with procedures set forth in Chapter 23A, of the Tucson Code, Sec. 23A-50. In formulating its recommendation, the DRB shall utilize the design criteria found in Sec. 2.8.10.5 and Development Standard 9-05.0.
- S. *Other Responsibilities.* The DRB shall perform such other functions as may be required by the LUC.

SECTION 7. The Tucson Code, Chapter 23, Land Use Code, Article VI, Division 2, Sections 6.2.4, 6.2.6, and 6.2.18, are hereby amended by amending the definition of "Development Zone" and adding the definitions of "Freeway Oriented Business" and "Rio Nuevo and Downtown (RND) Zone" to read as follows:

* * *

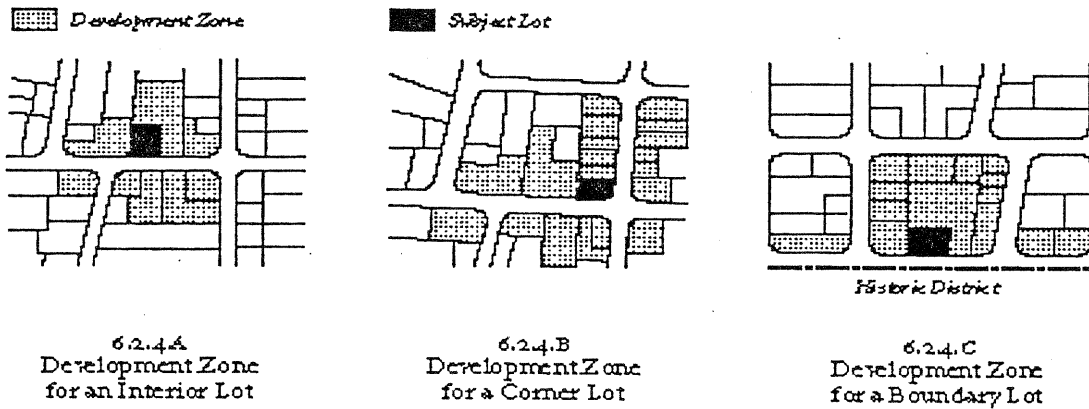
6.2.4 DEFINITIONS - D.

* * *

Development Zone. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), and Sec. 2.8.10, Rio Nuevo and Downtown (RND) Zone, a certain designated area adjacent to the lot to be developed. Public and institutional structures within the development zone shall not be considered part of the development zone when evaluating proposed development on an adjacent property, except for public and institutional structures on or eligible for inclusion on the National Register of Historic Places. The development zone is determined as follows. (*See Illustration 6.2.4.A, .B, and .C.*)

- A. Where the subject lot is an interior lot, the development zone includes that lot, all lots on either side of that lot and fronting on the same street in the same block, and all those lots on the opposite side of that street, except such portions of the development zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.
- B. Where the subject lot is a corner lot, the development zone includes that lot, the corner lot diagonally opposite that lot, all lots fronting on the same two (2) streets in the same block, and all lots on the opposite sides of those streets, except such portions of the development zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.

- C. Where the subject lot is located adjacent to a historic zone boundary, the development zone includes that lot, all lots located within the same block, and those lots facing the same street as the subject lot within one block in either direction, except such portions of the zone which fall outside the boundary of the historic district or the Rio Nuevo and Downtown (RND) Zone.

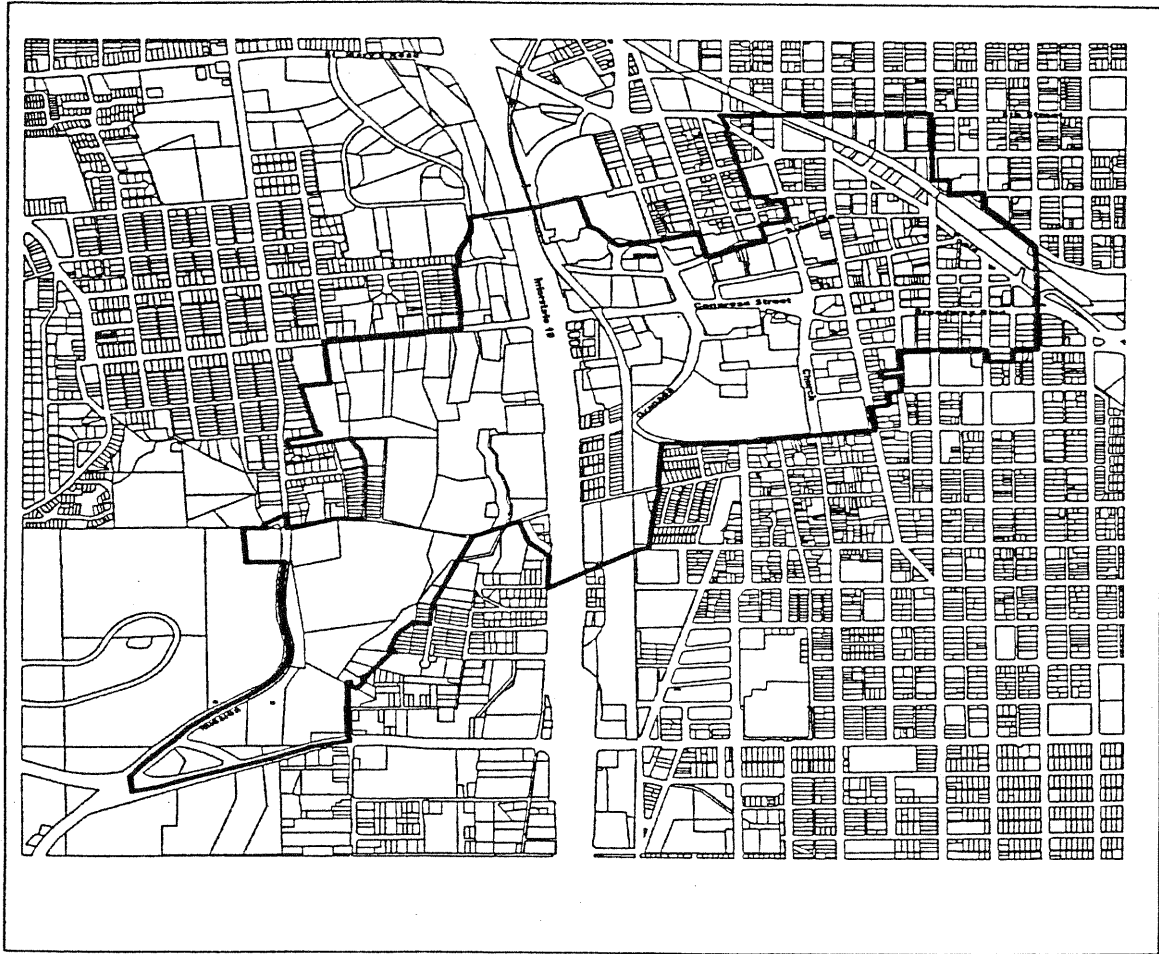


6.2.6 DEFINITIONS - F

Freeway Oriented Business. A commercial use with direct access to the interstate frontage roads or a commercial use with a driveway entrance within one hundred (100) feet of the interstate frontage roads.

6.2.18 DEFINITIONS - R

Rio Nuevo and Downtown (RND) Zone. The area delineated by Map 6.2.18-I. (See Map 6.2.18-I.)



Rio Nuevo and Downtown Zone

For exact boundaries, please see the official zoning maps.

Map 6.2.18-I Rio Nuevo and Downtown (RND) Zone

* * *

SECTION 8. The Tucson Code, Chapter 23A, Article II, Division 2, is hereby amended by adding a new Section 23A-50 to read as follows:

Sec. 23A-50. Rio Nuevo and Downtown (RND) Zone.

The following procedures are for review of projects for conformance with the Rio Nuevo and Downtown (RND) Zone requirements of the Tucson Code, Chapter 23, *Land Use Code (LUC)*, Sec. 2.8.10. Applications filed under this procedure require review and decision by the Development Review Board (DRB) and/or the director of the Development Services Department (DSD) or designee, certifying the implementation of all applicable *LUC* requirements of the RND Zone.

(1) *Preapplication Requirements.*

- a. *Preapplication Conference.* A preapplication conference is required with Development Services Department (DSD) staff to determine whether the application is to be reviewed as a minor review, a full review, or a major review.

A minor review is required for any modification of, addition to, or alteration of an existing structure that would affect the exterior appearance, which does not require a building permit, with the exception of work which proposes only color changes to the exterior of the structure.

A full review is required for:

1. Any modification to or alteration of an existing structure that would affect the exterior appearance, which requires a building permit;
2. All projects requiring a grading permit;
3. All projects which propose constructing or enlarging parking lots; and
4. Any addition to an existing structure that does not exceed two thousand (2,000) square feet of gross floor area (GFA).

A full review is also required to verify the incorporation into final plans and drawings the preliminary findings and recommendations of the Development Review Board (DRB) rendered in a major review.

A major review is required for any addition to an existing structure that would affect the exterior appearance, which involves new construction of two thousand (2,000) square feet of gross floor area (GFA) or larger in size. This review consists of a preliminary concept review by the Development Review Board (DRB) and a presubmittal Code compliance review by Development Services Department (DSD) staff, with the comments provided as a result of each review being addressed on the

application to be submitted for a full review for final decision. The Tucson – Pima County Historic Commission Plans Review Committee also reviews exterior elevation changes proposed for buildings on or eligible for inclusion on the National Register of Historic Places.

(2) *Review Procedure – Minor Review.*

- a. *Application.* Application requirements are established by the Development Services Department (DSD) and shall include, but not be limited to, a site plan and/or building elevations showing the scope of the minor work and the proposed material and/or paint descriptions for areas of the work visible from public rights-of-way.
- b. *Review.* Minor review applications will be submitted to the Development Services Department (DSD), reviewed by staff for compliance with submittal requirements, and accepted or rejected within two (2) days. If the application is rejected, the applicant will be informed in writing as to why the application is not acceptable for review. If the application is accepted, DSD staff will review the application for compliance with Development Standard 9-05.0.
- c. *Development Services Department (DSD) Director's Decision.* The Development Services Department (DSD) Director shall substantiate compliance with the criteria listed in the *Land Use Code (LUC)*, Sec. 2.8.10, and Development Standard 9-05.0 and shall issue a decision within seven (7) days of acceptance of the application to approve or deny the application.
 1. *Failure to Make a Decision.* Should the Development Services Department (DSD) Director fail to issue a decision within the required period of time, the application shall be deemed approved.
 2. *Notice of Decision.* A notice of decision shall be provided to the applicant within three (3) days of the date of decision or the required date of decision in situations where the Development Services Department (DSD) Director fails to make a decision within the required time period. The notice shall include the case title and identification number, the decision, the date of the decision, and the address and phone number of DSD.
 3. *Extent of Notice.* The notice of decision shall be sent to the applicant.

(3) *Review Procedure – Full Review.*

- a. *Application.* Application requirements are established by the Development Services Department (DSD) and shall include, in addition to the data required to determine compliance with the applicability of the *Land Use Code (LUC)* requirements and any other Code requirements, the information listed below.
1. A site plan delineating the locations of all structures and improvements.
 2. A landscape plan showing existing and proposed vegetation.
 3. A grading plan showing all areas of cut and fill.
 4. Sections and elevations and/or perspectives showing the design of all proposed structures.
 5. Material and/or paint descriptions for areas of structures visible from adjacent public rights-of-way.
 6. A Design Context and Compatibility Report.
- b. *Review.* Full review applications will be submitted to the Development Services Department (DSD), reviewed by staff for compliance with submittal requirements, and accepted or rejected within four (4) days. If the application is rejected, the applicant will be informed in writing as to why the application is not acceptable for review. If the application is accepted, the application and required plans will be forwarded to the Development Review Board (DRB) for review and recommendation to the DSD Director and scheduled at its next available meeting. The DRB, in formulating its recommendation, shall evaluate the application based on the design criteria of Development Standard 9-05.0. The applicant may also submit permit drawings for review and processing to determine compliance with *Land Use Code (LUC)* and other Code requirements, but this application may not be approved until the expiration of any appeal period on the decision of the Director. If the proposed development includes exterior elevation changes for buildings on or eligible for inclusion on the National Register of Historic Places, the application and elevation drawings will be forwarded to the Tucson – Pima County Historic Commission (TPHC) Plans Review Committee for their review and recommendation to the DSD Director.
- c. *Development Services Department (DSD) Director's Decision.* The Development Services Department (DSD) Director shall substantiate compliance with the criteria listed in the *Land Use Code (LUC)*, Sec. 2.8.10, and Development Standard 9-05.0 and shall take the Development Review Board's (DRB) and Tucson – Pima County

Historic Commission (TPHC) Plans Review Committee recommendations into consideration when making a decision. The DSD Director shall issue a decision no earlier than fourteen (14) days, but no later than thirty (30) days, from the date of acceptance of the application, to allow for DRB and TPHC review.

1. *Failure to Make a Decision.* Should the Development Services Department (DSD) Director fail to issue a decision within the required period of time, the application shall be deemed approved.
 2. *Notice of Decision.* A notice of decision shall be provided to the applicant within three (3) days of the date of decision or the required date of decision in situations where the Development Services Department (DSD) Director fails to make a decision within the required time period. The notice shall include the case title and identification number, the decision, the date of the decision, the right of the applicant to appeal the decision, the expiration date of the appeal period, where to file the appeal, and the address and phone number of DSD.
 3. *Extent of Notice.* The notice of decision shall be sent to the applicant.
- d. *Appeal of Development Services Department (DSD) Director's Decision.* The decision of the Director to deny an application can be appealed by the applicant within fourteen (14) days of the date of decision. Appeals shall be submitted to the Development Services Department (DSD) and processed in accordance with Sec. 23A-63, Appeal Procedure III.
 - e. *Grading.* No grading can occur until thirty (30) days prior to construction. Construction plans must be in the review process, or construction permits must have already been issued. Grading permits are to cover only those areas for which building permits are granted.
 - f. *Site Inspection.* Prior to the issuance of an occupancy permit, the site will be inspected by the Development Services Department (DSD) for compliance with the plans approved for the issuance of building permits and any changes authorized by the DSD Director to those approved plans during construction.
- (4) *Review Procedure – Major Review.*
- a. *Application.* Application requirements are established by the Development Services Department (DSD) and shall include, in addition to the data required to determine compliance with the applicability of the

Land Use Code (LUC) requirements and any other Code requirements, the information listed below.

1. A conceptual site plan delineating the locations of all structures and improvements.
 2. A conceptual landscape plan showing existing and proposed vegetation.
 3. Sections and elevations and/or perspectives showing the conceptual design of all proposed structures.
 4. A grading plan showing all areas of cut and fill.
 5. Material and/or paint descriptions for areas of structures visible from adjacent public rights-of-way.
 6. A Design Context and Compatibility Report.
- b. *Review.* Major review applications will be submitted to the Development Services Department (DSD), reviewed by staff for compliance with submittal requirements, and accepted or rejected within four (4) days. If the application is rejected, the applicant will be informed in writing as to why the application is not acceptable for review. If the application is accepted, the application and required plans will be forwarded to the Development Review Board (DRB) for preliminary review for compliance with the design criteria of Development Standard 9-05.0 and scheduled for review at its next available meeting. Preliminary findings and recommendations will be rendered by the DRB within thirty (30) days of acceptance of the application. The applicant should also submit preliminary drawings for presubmittal review at DSD to determine compliance with *Land Use Code (LUC)* and other Code requirements. If the proposed development includes exterior elevation changes for buildings on or eligible for inclusion on the National Register of Historic Places, the application and elevation drawings will be forwarded to the Tucson – Pima County Historic Commission (TPHC) Plans Review Committee for their review and recommendation to the DSD Director.
- c. *Notice of Preliminary Findings and Recommendations.* A notice of preliminary findings and recommendations shall be provided to the applicant within three (3) days of the date of the Development Review Board (DRB) meeting. The notice shall include the case title and identification number, the findings and recommendations, the date of the meeting, and the address and phone number of the Development Services Department (DSD).

- d. *Action of Applicant.* Upon receipt of the preliminary findings and recommendations, the applicant incorporates the findings and recommendations into the final drawings and plans and resubmits the application to the Development Services Department (DSD) for a full review, as provided in Sec. 23A-50(3).

SECTION 9. The Tucson Code, Chapter 23A, Article II, Division 3, is hereby amended by adding a new Section 23A-63 to read as follows:

Sec. 23A-63. Appeal Procedure III.

This procedure requires consideration and decision by the Zoning Examiner. This procedure is used for appeals from decisions made by the Development Services Department (DSD) Director on Rio Nuevo and Downtown (RND) Zone applications. Consideration of the appeal shall be in a public hearing. Appeals of the interpretation of *Land Use Code (LUC)*, Chapter 23 of the Tucson Code, provisions are not considered under this procedure but are considered in accordance with Sec. 5.4.4.5, Type V Appeal Procedure, of the *LUC*.

- (1) *Submittal.* A written appeal must be filed with the Development Services Department (DSD).
- (2) *Notice.* Notice of the Zoning Examiner's consideration of the appeal shall be mailed to the applicant and all property owners within the subject site.
- (3) *Zoning Examiner Consideration.* The Zoning Examiner shall consider appeals of the Development Services Department (DSD) Director's decisions on Rio Nuevo and Downtown (RND) Zone applications in public hearing. The hearing shall be scheduled on the earliest available agenda.
- (4) *Zoning Examiner Decision.* Decisions shall take into consideration the purpose, intent, and specific regulations and the specific goals and objectives of the regulation.
- (5) *Notice of Decision.* A Notice of Decision shall be issued by the City Clerk to those persons noticed of the meeting. The notice shall include the case name and file number, the decision and the date of the decision, and the telephone number and address of the Development Services Department (DSD).

SECTION 10. This ordinance becomes effective thirty (30) days after the date the ordinance is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona _____.

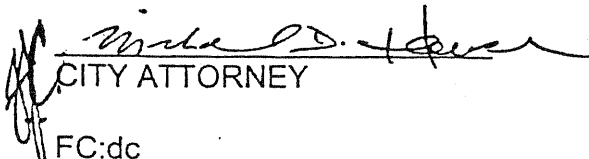
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:


CITY ATTORNEY

CITY MANAGER

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CITY OF TUCSON
DEVELOPMENT STANDARD NO. 9-05.0
RIO NUEVO AND DOWNTOWN (RND) ZONE

DRAFT

RIO NUEVO AND DOWNTOWN (RND) ZONE

- 9-05.1.0 GENERAL
 - 9-05.2.0 APPLICABILITY AND ORGANIZATION OF CRITERIA
 - 9-05.3.0 DESIGN PRINCIPLES
 - 9-05.4.0 DESIGN CRITERIA
 - 9-05.5.0 RESPONSIBILITY FOR ENFORCEMENT
 - 9-05.6.0 MODIFICATIONS
 - 9-05.7.0 RESPONSIBILITY FOR REVIEW
 - 9-05.8.0 LIST OF FIGURES
-

9-05.0.0 RIO NUEVO AND DOWNTOWN (RND) ZONE.

9-05.1.0 GENERAL.

- 1.1 Introduction. In November 1999, voters approved the Rio Nuevo Multipurpose Facilities District to promote the development of Rio Nuevo and the revitalization of Downtown Tucson. Established with the cooperation of the Cities of Tucson and South Tucson, the District encompasses five key areas – Rio Nuevo, Downtown Tucson, the Broadway Corridor, El Con Mall, and Park Place Mall. This Development Standard addresses development only in the Rio Nuevo and Downtown Zone.

Design guidelines were developed through the Rio Nuevo master planning process involving substantial community input, active citizen committees, and several design workshops. Prior to that, design guidelines were prepared as part of the *Downtown Pedestrian Implementation Plan (DPIP)*. This plan was prepared with input from and review by a Technical Advisory Committee (TAC) comprised of Downtown property and business owners, residents, and governmental agency representatives. The *DPIP* was endorsed by the Mayor and Council in October of 1996. The guidelines were revised, and portions were referenced as design criteria in the City of Tucson Design Guidelines Manual.

The shared goal of these efforts is to shift Downtown Tucson's focus to creating a pedestrian-friendly environment to attract businesses and become a destination for residents and visitors. The revitalization of Downtown and redevelopment of Rio Nuevo will enhance the pedestrian environment and celebrate the multicultural history of the city and its unique desert environment.

- 1.2 Purpose. This Standard has been established for the purpose of implementing the Design Criteria established in Sec. 2.8.10.5, *Land Use Code (LUC)*, and informing property owners and permit applicants of review requirements and design criteria for projects within the Rio Nuevo and Downtown (RND) Zone. The RND Zone is an overlay district as defined in Sec. 6.2.18, *LUC*, and as shown for reference in *Figure 1, Rio Nuevo and Downtown Zone Map*.

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The review procedures and design criteria summarized in this Development Standard are intended to promote quality design and innovative projects in the Rio Nuevo District and Downtown that will increase private and public property investments and property values. A secondary intent of the Development Standard is to expedite the permitting process in the overlay zone by providing the applicant with clear direction. Illustrations are included to clarify particular design criteria and further aid the applicant in meeting review requirements.

- 1.3 Objectives. The Standard promotes the following objectives: 1) incorporate building and design elements that recognize Tucson's cultural history and environmental setting; 2) create high-intensity, mixed-use development within a walkable area; 3) provide parking areas that minimize the need for internal vehicular circulation; 4) preserve street frontages for pedestrians by placing parking at the rear or sides of buildings; 5) enhance the pedestrian environment to include shade trees, plazas, fountains, lighting, façade improvements, and storefronts to encourage window shopping; 6) develop graphic themes, enhanced streetscapes, and public art to make the project a distinct and unique destination; and 7) design projects to encourage neighborhood interaction and pedestrian access in commercial areas.

9-05.2.0 APPLICABILITY.

- 2.1 Applicability. This Standard applies to all development and improvements within the RND Zone. The Standard lists design criteria that may be applicable throughout the zone or within particular subareas as noted below.

This Standard is intended for use by public agencies, private property owners, landscape architects, architects, engineers, artists, designers, and developers who are preparing to alter property within the zone.

This Standard does not waive any applicable City regulations or codes. Plans approved with respect to this Standard must also meet applicable *LUC* and building code requirements.

- 2.2 Design Context and Compatibility Report. As part of the submittal requirements for development review within the RND Zone, the applicant must submit a Design Context and Compatibility Report. This report should be a succinct introduction to the project, limited to two to three pages, that demonstrates the applicant's understanding of the regional, community, and site-specific design contexts. The report format may be a combination of text and graphics. If the project design departs from the established context or does not comply with mandatory design criteria in this Standard, the report must explain the reason for an alternate design solution.
- 2.3 Definitions. Definitions used in this Standard are found in the Development Standards Glossary or in Sec. 6.2.0 of the *LUC*. Selected terms relating to design elements and criteria are further defined and clarified graphically within this Development Standard.

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9-05.3.0 DESIGN PRINCIPLES.

- 3.1 Diversity. Diversity reflects the prehistoric, historic, and cultural elements that make up Tucson's urban form and context. This principle forms the basis for the specific design criteria including building character and materials that reflect the indigenous influence of the Sonoran Desert region and culture. The intent of this design principle is not to prescribe architectural style, materials, or form but to encourage innovation in contemporary design.
- 3.2 Design in Context. Design in Context is the recognition that Tucson is a unique desert Southwestern city. New buildings should also translate into contemporary form the basic principles that contribute to historic structures and other structures in and around the Site Context - Development Zone, as well as addressing the Regional and Community Context. Water features located in plazas and open space areas throughout the RND Zone will offer water as a symbol of the Downtown area.
- A. *Regional Context.* The regional context of a place is reflected in its environment and natural landscape, its heritage and cultural resources, and its native building forms and materials. The regional context for Rio Nuevo and Downtown Tucson includes the ecology of the Sonoran Desert, the Santa Cruz River, and views to Sentinel Peak and surrounding mountain ranges. Context is also found in climate – hot and dry desert summers, intermittent rainy seasons, cold winter nights, clear skies, the sun, strong shadows, and limited water availability. Regional context includes the traditional barrios and neighborhoods, walking paths, a multihued palette of colors used for decorating, and the Spanish street names that evolved over the course of many years of Tucson's development.
- B. *Community Context.* Community context within the RND Zone is a further illustration of the regional environmental and cultural setting, as reflected in particular subareas. Development should respond to the prevailing design character within each subarea.
- C. *Site Context – Development Zone.* Site context looks at the immediate surroundings of the proposed improvement. The Development Zone is defined in Sec. 6.2.4, *LUC*. New buildings should strengthen and enhance the characteristics of the immediate setting and build upon or maintain key unifying patterns. However, they should not directly mimic historic buildings so as to be indistinguishable from them. Rather, new buildings should translate into contemporary form the basic principles that contributed to historic structures.

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In areas where historic context is a criterion, design must respond to this context through the use of appropriately scaled buildings utilizing materials, exterior openings, and a relationship to the street consistent with existing historic structures. (See Development Standard 9-02.0, Historic Preservation Zone Development Standards, for information relating to development patterns, design relationships, and architectural styles and detail.)

- 3.3 Accessibility. Accessibility includes three dimensions. The first is physical mobility for pedestrians, including physically disabled pedestrians, bicycles, transit, and private cars provided by an efficient and pleasant circulation system. The second is visual, retaining physical amenities such as viewsheds, open space, and visual connections to the mountains and the Santa Cruz River. The third is informational and educational, including access to information and ideas. Rio Nuevo builds on the idea that Tucson offers cultural and historic resources that must be available to residents and visitors alike. It is the sharing of ideas of history, prehistory, environment, landscape, building form, pathway, and plaza that can enrich the experience for those who come to Rio Nuevo and Downtown. This can be done by restoration of key elements of historic buildings, interpretation of prehistoric cultural resources, and installation of educational signs and plaques throughout the area.

9-05.4.0 DESIGN CRITERIA.

- 4.1 Overall Site Design. The design of all projects in the RND Zone shall be responsive to the physical context of the region, community, and site. Site design shall be based on maximizing relationships with existing and/or planned structures, circulation systems, and natural features. Site design shall also take into consideration significant visual relationships and landmarks.
- 4.2 Building and Structures. The intent is to ensure that site design and architectural character reinforce the image of the RND Zone as an inviting, lively, and pedestrian-friendly district. Design should promote safe and easy passage from the public realm into individual buildings. Twenty-four-hour, street-level activity should be encouraged by providing a mixture of retail, office, and residential uses within each building. A critical mass of evenly distributed residential uses will encourage evening street activity. Certain areas or streets could be exclusively retail and residential, but buildings dedicated exclusively to office space should be discouraged. Building façades, colors, and materials should be appropriate for the urban streetscape.
- A. *Pedestrian Experience of Buildings*. The pedestrian experience, including scale, mass, color, materials, and historic context, should be combined to reinforce the uniqueness of Sonoran elements and Tucson's culture.
1. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.

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2. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of fifty (50) percent of the building frontage providing such features.
 3. Façade walls shall provide visual interest. At the street level, a single plane of a façade may not be longer than fifty (50) feet without architectural relief or articulation by features such as windows, trellises, and arcades.
 4. Façade design must provide a safe and appealing nighttime environment by providing exterior building and window lighting that is pedestrian-scaled, down-shielded, and controlled for glare.
- B. *Massing.* The proposed buildings should respect the scale of those buildings located on adjacent properties and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.
- C. *Entryways and Façades.*
1. Primary public entries shall be directly accessed from the sidewalk along a street rather than from a parking lot. Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of, and access to, residential structures may be elevated. Secondary access may be provided from off-street parking areas.
 2. The front doors of all commercial and governmental buildings shall be visible from the street if located more than ten (10) feet from the front building line, and their locations must be reinforced with additional graphics, lighting, marquees, or canopies.
 3. Façades of historic buildings may be enhanced with signs, awnings, or street trees. If façade improvements are proposed, they must complement the overall historic context of the Downtown and respect the architectural integrity of the façade.
- D. *Colors.* Colors may conform to the overall color palette and context of the Downtown area or subarea or may be used expressly to create visual interest, variety, and street rhythms. The rationale for an expressive or idiosyncratic use of color should be described in the development plan submittal.
- E. *Materials.*
1. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.

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2. New buildings should use materials, patterns, and elements that relate to the traditional context of the Downtown area or subarea.

- F. **Setbacks.** All new construction shall maintain the prevailing setback existing within its development zone.

4.3 Circulation and Parking.

- A. **Street Hierarchy.** The Downtown is organized along the hierarchy of Downtown's streets, with the pedestrian given top priority for the Downtown. (See **Figure 2, Downtown Street Hierarchy.**) The streets, including their rights-of-way, are addressed in one of three classifications.

1. **Pedestrian Retail Core Streets.** These are the streets that host Downtown's greatest variety of commercial and public activities at the street level. They also accommodate vehicular traffic including automobiles, public transit, and service vehicles and have on-street parking in some locations. However, priority is given to the pedestrian.
2. **Entry Streets.** These streets carry high volumes of traffic (respectively) into and out of Downtown. These streets typically are wider to accommodate through and turning traffic.
3. **Traffic Calming Streets.** These streets are generally narrower, with fewer travel lanes than entry streets, and accommodate on-street parking. Traffic Calming Streets are all those not designated as Entry Streets or Pedestrian Retail Core Streets.

- B. **Pedestrian Pathways.**

1. Shade shall be provided for at least fifty (50) percent of all sidewalks and pedestrian pathways as measured at 2:00 p.m. on June 21 when the sun is 82° above the horizon (based on 32°N Latitude). Shade may be provided by arcades, canopies, or shade structures, provided they respect the historic and design context of the street and the architectural integrity of the building. Deciduous trees, as proposed in the *Downtown Comprehensive Street Tree Plan*, are encouraged to supplement existing evergreen trees. The use of plantings and shade structures in the City right-of-way is permitted to meet this standard. The shade provided by a building may serve to meet this guideline.
2. Along pedestrian pathways that lead to the Rio Nuevo South Cultural Plaza and in areas planned for retail and entertainment uses and high pedestrian traffic, shade devices should be provided at pedestrian waiting areas and street intersections.

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C. *Vehicular Circulation and Parking.*

1. *Circulation.*

- a. All parking area access lanes (PAALs) adjacent to buildings shall have pedestrian circulation paths between the PAAL and the building, with a minimum width of six (6) feet.
- b. All vehicular ingress and egress points shall be perpendicular to the intersecting street. Ingress and egress points shall be designed to minimize vehicular/pedestrian and vehicular/bicycle conflicts. Adequate storage for vehicular queuing at parking facilities must be contained on site. Right turn bays will be strongly discouraged within this zone. Points of ingress and egress shall be minimized wherever possible. Additional temporary ingress and egress locations may be permitted for parking structures that anticipate occasional high peak period traffic flows (i.e., parking facilities for event venues).

2. *Parking.*

- a. *General.* Parking requirements within the RND Zone are listed in the *LUC*, Sec. 3.3.6.
 - 1) All public parking must be open and accessible to the public between the hours of 5:00 a.m. and 1:00 a.m., seven (7) days per week, with the exception of the performance of required maintenance.
- b. *Provisions.*
 - 1) All new parking shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of pedestrian arcades, occupied space, or display space.
 - 2) Employee parking for all uses should be provided at remote locations in order to maximize the availability of space for development.

D. *Pavement of Sidewalks, Crosswalks, and Streets.* Treatment of sidewalks, crosswalks, and streets should be consistent with the design guidelines of the *DPIP*.

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4.4 Pedestrian Plazas and Open Space. The fundamental objective of this Section is to encourage public and private investments to enhance the character and function of Downtown's pedestrian environment. The enhancement of the Downtown pedestrian environment will contribute to the experience visitors have in the Downtown area.

A. *Plazas and Pedestrian Nodes.* Plazas, courtyards, and patios are landscaped outdoor areas designed to accommodate multiple uses, from large gatherings of people for performing arts to smaller gatherings. The plazas and courtyards will be one of the ways that spaces and uses can be linked. There should be five (5) percent of the gross floor area of the new construction provided in public plazas or courtyards for every new development.

B. *Viewshed Corridors.* Views of all historic properties and all natural elements surrounding the Downtown should be considered during design.

Plazas, courtyards, and open spaces should be sited to include views to other public spaces. Protection of the views, especially from the pedestrian perspective, will be important for each new development.

C. *Linkages (Physical and Visual).* Neighborhood linkages will be maintained throughout Downtown. Pedestrian trails, such as the Old Pueblo Promenade (defined in the *DPIP*), will also be maintained and enhanced as part of new development.

4.5 Streetscape.

A. *Public Art.* Public art is encouraged in all new development. The character of the public art will fit within the context defined by the development and other surrounding buildings.

B. *Seating and Furnishings.*

1. Seating will be provided at all outdoor gathering spaces. The character, color, and materials of the seating will fit within the context of the development and other surrounding buildings.

2. Waste receptacles will be provided and will fit within the context of the development.

3. Newspaper receptacles and vending machines in exterior spaces shall be consistent with the design of the project.

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- C. *Lighting and Utilities.* Lighting is essential for providing a safe and comfortable nighttime environment in Rio Nuevo and the Downtown. Standards for lighting will necessarily vary, depending on the design context of the specific subarea, the level of pedestrian and vehicular activity, and the overall design concept of the project. Likewise, the effect of utility fixtures or appurtenances should be considered in the development proposal.
1. Adequate lighting shall be provided for safety and visibility at night. Project plans must include illumination levels and color rendition of exterior building lighting adjacent to sidewalks and alleys.
 2. Historic light standards should be maintained and upgraded as necessary to provide minimum light levels for safety. If historic light standards cannot meet specified criteria for roadway lighting, supplemental lighting standards should be chosen to complement the character and scale of existing historic light standards.
 3. Metal halide light sources should be used in pedestrian areas, streets, and parking areas for their white color of light that contributes to the comfort of users. Particular concern of lighting levels should be given to areas and points where potential conflict between pedestrians and vehicles occurs, such as crosswalks, parking areas, etc. In pedestrian areas, adequate lighting distribution should be provided that overlaps at a height of about seven (7) feet above the finish grade to allow visual recognition of pedestrians. Illumination levels and lighting sources should be used that minimize areas or points of glare while providing adequate levels of light for safety and security.
 4. Vehicular light luminaires should be full cut-off fixtures.
 5. To minimize sidewalk clutter, pedestrian and vehicular lights should utilize the same pole. The spacing of the combined fixtures shall be dictated by City illumination standards for roadways.
 6. Utility boxes should be located adjacent to buildings where feasible. Utility fixtures attached to buildings, patios, or other decorative walls and other mechanical equipment shall not obstruct pedestrian movement. These and other utility appurtenances should be integrated into the design and historic character of the Downtown outside of the public right-of-way.

4.6 Signage.

- A. *Downtown Destination Signage Program.* In a well-conceived system of providing information for pedestrians, the system should lead members of the public to parking in the vicinity of their final destination, then guide the visitors to their destination with more specific pedestrian-level signage.

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Any new public parking provided in the Downtown area will include provisions for pedestrian signage to be compatible with vehicular and other signage in the Downtown. The parking facility will include signage for the facility and pedestrian kiosks located just outside the facility and will encourage visitors to see other destinations while they are Downtown.

- 4.7 **Resource Conservation.** The intent of the following energy and water conservation criteria is to identify specific actions that will reduce energy consumption, demonstrate the use of solar energy, and promote alternative design solutions in keeping with sustainable building practices.

- a. The facilities should use little energy to run; be constructed to last; have low maintenance needs; and respect the regional, cultural, and material uniqueness of Tucson.

9-05.5.0 RESPONSIBILITY FOR ENFORCEMENT. DSD has the authority to enforce applicable provisions of this Development Standard.

9-05.6.0 MODIFICATIONS. When an applicant requests a modification of this Standard, the Community Design Review Committee (CDRC) may consider the modification in accordance with Development Standard 1-01.0.

Appeals to decisions made by the CDRC are considered in accordance with Development Standard 1-01.0.

9-05.7.0 RESPONSIBILITY FOR REVIEW. The DSD Director reviews this Standard at least annually or at the discretion of the City Manager.

9-05.8.0 LIST OF FIGURES.

Figure 1 – Rio Nuevo and Downtown Zone Map

Figure 2 – Downtown Street Hierarchy

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